

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 711**

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**Introduced by Assembly Member Emmerson**

February 22, 2007

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An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

### LEGISLATIVE COUNSEL'S DIGEST

AB 711, as amended, Emmerson. Contractors: landscape contractors. Existing law, the Contractors' State License Law, creates the Contractors' State License Board within the Department of Consumer Affairs and provides for the licensing and regulation of contractors. Existing law authorizes a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a swimming pool, spa, or hot tub, provided that the improvements are included within a landscape project that the landscape contractor is supervising and are subcontracted to a single licensed swimming pool contractor or are performed by the landscape contractor who is a licensed swimming pool contractor. Existing law specifies various acts and omissions that constitute grounds for disciplinary action against a licensed contractor, and authorizes the Registrar of Contractors to deny an application for licensure or renewal of licensure, issue a citation, or suspend or revoke a license or registration for any act or omission constituting a cause for disciplinary action.

This bill would authorize a landscape contractor working within the classification of his or her license to enter into a prime contract for the

construction of an outdoor cooking center or an outdoor fireplace provided that the improvements are included within a landscape project that the contractor is supervising and that, in the case of an outdoor fireplace, it is not attached to a dwelling. The bill would require any work performed in connection with the construction of the outdoor cooking center or fireplace that is outside of the scope of the ~~landscaping~~ *landscape* contractor classification to be performed by a general contractor or an appropriately licensed specialty contractor, unless the landscape contractor is also a general contractor or holds an appropriate specialty license classification to perform the work. The bill would provide that a violation of these provisions and related provisions of existing law would be grounds for disciplinary action.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7027.5 of the Business and Professions
- 2 Code is amended to read:
- 3 7027.5. (a) A landscape contractor working within the
- 4 classification for which the license is issued may design systems
- 5 or facilities for work to be performed and supervised by that
- 6 contractor.
- 7 (b) Notwithstanding any other provision of this chapter, a
- 8 landscape contractor working within the classification for which
- 9 the license is issued may enter into a prime contract for the
- 10 construction of any of the following:
- 11 (1) A swimming pool, spa, or hot tub provided the improvements
- 12 are included within the landscape project that the landscape
- 13 contractor is supervising and the construction of any swimming
- 14 pool, spa, or hot tub is subcontracted to a single licensed contractor
- 15 holding a Swimming Pool (C-53) classification or performed by
- 16 the landscape contractor if the landscape contractor also holds a
- 17 Swimming Pool (C-53) classification. The contractor constructing
- 18 the swimming pool, spa, or hot tub may subcontract with other
- 19 appropriately licensed contractors for the completion of individual
- 20 components of the construction.
- 21 (2) An outdoor cooking center, provided that the improvements
- 22 are included within a landscape project that the contractor is
- 23 supervising. For purposes of this subdivision, an “outdoor cooking

center” means an unenclosed area within a landscape that is used for the cooking or preparation of food or beverages.

(3) An outdoor fireplace, provided that it is included within a landscape project that the contractor is supervising and is not attached to a dwelling.

(4) Any work performed in connection with a project specified in paragraph (2) or (3) that is outside of the field and scope of activities authorized to be performed under the ~~Landscaping~~ *Landscape Contractor* classification (C-27), as set forth in Section 832.27 of Title 16 of the California Code of Regulations, may only be performed by a ~~landscaping~~ *landscape* contractor if the ~~landscaping~~ *landscape* contractor also holds an appropriate specialty license classification to perform the work or is licensed as a general contractor. If the ~~landscaping~~ *landscape* contractor does not hold an appropriate specialty license classification to perform the work and is not licensed as a general contractor, the work shall be performed by a specialty contractor holding the appropriate license classification or by a general contractor.

(c) A violation of this section shall be cause for disciplinary action.